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Government of Kerala
2025

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കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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Thiruvananthapuram, Wednesday

2025 സെപ്റ്റംബർ 17
17th September 2025
1201 കന്നി 1
1st Kanni 1201
1947 ഭാദ്രം 26
26th Bhadra 1947

നമ്പർ
No. 3316

GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G. O. (Ms) No. 174/2025/Home.

Dated, Thiruvananthapuram, *17th September, 2025*
1st Kanni, 1201
26th Bhadra, 1947.

S. R. O. No. 1057/2025

As per the directions of the Union Government vide letter D.O No.1/4/2025-ICJS(WS-IV)/1147 dated 6th March 2025 and in consultation with the Hon'ble High Court of Kerala and in consonance with the model guidelines issued by the Central Government, the Government of Kerala hereby issue the following guidelines, namely:-

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Guidelines on community sentencing

1. The punishment of community service shall be imposed only by a court of competent jurisdiction after finding the accused guilty of the offences punishable under Sections 202, 209, 226, 303(2), 355, and 356(2) of the Bharatiya Nyaya Sanhita, 2023.

2. As already stated, the BNSS does not delegate any rule-making power regarding community service, leaving all related aspects to the discretion of the competent criminal court during sentencing. Section 523 empowers the High Court to make rules only on matters explicitly linked to State Government rules, which excludes community service. The BNSS also fails to address key elements such as the nature, duration, location, supervision, or assessment of community service, and lacks a framework for its implementation or monitoring. Consequently, these responsibilities rest entirely with the judiciary, and any executive regulation risks infringing upon judicial independence.

3. Since the statute is silent on who may supervise community service punishments, careful consideration is required in appointing suitable individuals. Currently, it is suggested that probation officers, District Legal Service Authority secretaries, or any other persons deemed fit and proper by the court be entrusted with this responsibility.

4. It would be beneficial for judicial officers to receive a comprehensive report on the accused's background and other relevant aspects before imposing community service as punishment. A specific timeline should be established to ensure timely submission of such reports. The court may consider the nature and gravity of the offence, as well as the offender's age, skills, and physical and psychological capabilities, when determining the specific community service to be assigned.

The proposed Circular/ OM shall unequivocally exclude police officers from serving as supervising officers for community service. That apart, the offices of investigating agencies shall not be designated as locations for carrying out community service.

Eligible individuals may be assigned responsibilities aligned with educational purposes, while physically able persons may be engaged in work at government construction sites. Court premises should also be recognized as suitable locations for performing community service.

Community service on environmental activities may include, but are not limited to, environmental protection efforts such as:

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- Forest or wildlife conservation,
- Anti-poaching initiatives,
- Planting a specified number or type of trees or plants in designated government-controlled areas,
- Afforestation,
- Soil conservation or watershed management,
- Cleaning and maintaining beaches, rivers, riverbanks, parks, gardens, public spaces, markets, streets, and public buildings, including court premises,
- Participating in environmental awareness campaigns,
- Assisting with workshops, seminars, or educational materials on environmental issues.

In the realm of educational activities, community service may include:

- Teaching or tutoring underprivileged children or adults for a specified number of hours (online or offline),
- Conducting literacy or adult education programs,
- Undertaking vocational training or skill development initiatives,
- Assisting in library services or book distribution,
- Developing educational resources,
- Mentoring students,
- Participating in awareness campaigns on health, hygiene, or sanitation,
- Organizing workshops or seminars on social issues.

Regarding building and community infrastructure, accused may be engaged in:

- Assisting with construction or maintenance of roads, bridges, or public buildings,
- Participating in neighborhood watch or community policing efforts,
- Promoting community cohesion and social harmony initiatives,
- Organizing community meetings or forums,
- Any other community-building activity deemed appropriate by the court.

For other unpaid work, community service may include:

- Assistance at government hospitals, healthcare centers, or nursing homes,
- Support at orphanages, old age homes, juvenile justice homes, or disability centers,
- Participation in disaster relief efforts,

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- Helping at animal shelters or wildlife rescue centers,
- Engagement in rural development projects or urban slum improvement programs,
- Supporting vulnerable populations such as senior citizens, disabled individuals, homeless persons or families, or any other unpaid work the sentencing court considers appropriate, taking into account the socio-economic conditions and local context.

5. **Default Sentence:**

(1) The imprisonment which is imposed in default of community service shall terminate whenever the offender has effectively done community service for the period specified in the order sentencing the offender to community service;

(2) If the offender has performed any proportionate period of community service as ordered by the court, the offender shall be liable to undergo default sentence for the proportionate period remaining only and if, before the expiration of the term of imprisonment fixed in default of community service, such a proportionate period of community service ordered is done that the term of imprisonment suffered in default of payment is not less than proportional to the part of the period of community service remaining unperformed, the imprisonment shall terminate.

6. **Modification of nature of community Service:** The court may, for the purpose of ensuring practicality of its order, and after hearing the Probation officer, the Prosecutor and the accused, modify the nature of community service to be performed by any person, at any time after the order of sentencing, where the Probation Officer or the Prosecutor reports to the court that due to any changed circumstance, the commencement, continuation or completion of the period of community service in the manner directed by the court has become impossible.

By order of the Governor,

BISHWANATH SINHA,
Additional Chief Secretary to Government.

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